

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD.

SPECIAL CIVIL APPLICATION No 10519 of 1998

For Approval and Signature :

Hon'ble MR. JUSTICE S.K.KESHOTE

- 
1. Whether Reporters of Local Papers may be allowed to see the Judgment ?
  2. To be referred to the Reporter or not?
  3. Whether Their Lordships wish to see the fair copy of the Judgment ?
  4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
  5. Whether it is to be circulated to the Civil Judge?

-----

BORSAD TALUKA COOPERATIVE VEHICLES SOCIETY LTD.  
VERSUS  
INDIAN OIL COPORATION LTD.

-----

Appearance:

MR SR PATEL for the Petitioner  
None present for the Respondent

-----

CORAM : MR JUSTICE S.K. KESHOTE  
Date of Decision: 24/03/99

C.A.V. JUDGMENT

Heard the learned counsel for the petitioner.

2. The petitioner is a registered Cooperative

Society. The object of Society is to provide service of making easy availability of petrol and diesel within reasonable distance and the other prime object is to provide unadulterated diesel and petrol, which is now-a-days difficult proposition to its members. The petitioner applied to the respondents for the purpose of providing diesel and petrol pumps. The respondent initially cooperated by providing guidance to the petitioner about various requirements. The petitioner upon the definite promise of the respondent complied with the requirements and prepared infrastructure for the installation of diesel and petrol pump, spending huge amount of about Rs.16 to 20 lacs. It is the grievance of the petitioner that the respondent for the reasons best known to it, totally cold-shouldered the petitioner and though various requests and reminders have been made, the respondent is yet to supply and/or comply the promise, which is made to the petitioner with the result that the petitioner is made the sufferer. Hence, this special civil application before this court.

3. In the special civil application, the petitioner prayed for direction to the respondent to forthwith install petrol and diesel pump as promised by it in the communication referred to in the petition. This petition has come up for admission before this Court on 10-12-1998 and this Court has been pleased to issue notice to the respondent but after service of notice, the matter has been listed before this court on 10th March, 1999 but nobody put appearance for the respondent and this petition has been admitted.

4. In this special civil application, the respondent has not filed the reply.

5. It is the case of the learned counsel for the petitioner that this matter is squarely covered by the judgment of this court given in special civil application No.3887/96 decided on 27-1-1997. It is next contended that the action of the respondent to sit tight over the applications which have been made by the petitioner from time to time to decide its case is highly arbitrary and unjustified. Lastly, it is contended that the petitioner -Society acted upon the promise made by the respondent, and invested huge amount for infrastructure to start petrol and diesel pump and now the respondent has turned up from its promise.

6. I have given my thoughtful consideration to the submissions made by the learned counsel for the petitioner.

7. It is really shocking that the respondent despite of service of notice of this special civil application has not cared to file reply to the same. Though the counsel has put appearance for the respondent, has not put appearance on 10th March, 1999 and today also. The averments made by the petitioner in this special civil application stand uncontroverted.

8. The petitioner made representations from time to time to the respondent with its grievance as made in this special civil application. It is a matter of great surprise that the respondent which is an authority within the meaning of Article 12 of the Constitution has shown scant regard to the representations of the petitioner. Whether the petitioner should be given the supply of petrol and diesel by the respondent is a different matter but once the petitioner has made grievance in the matter, the same has to be decided by the respondent in accordance with law. Total silence on the part of the respondent in this matter deserves to be deprecated.

9. However, looking to the facts of this case that the respondent has not cared to file reply and further that this matter depends on the factual aspect, the interest of justice will be served in case this special civil application is disposed of in terms that the petitioner may file a detailed representation in this respect to the respondent. Along with the representation, the petitioner may also send a copy of decision of this court, reliance on which has been placed by the learned counsel for the petitioner in this case during the course of arguments. The respondent shall decide the representation of the petitioner, if any filed, with a period of one month from the date of receipt of the same. Where the grievances made by the petitioner in the representation are not acceptable, the respondent is expected to pass a reasoned order, and copy of the same may be sent to the petitioner by registered post A.D. Subject to the aforesaid directions, this writ petition stands disposed of.

\*\*\*\*\*

zgs/-